THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 20891 of 1998

DATE: 29-03-2007

Between :

B.N.Chittibabu

... Petitioner

And

The Deputy Transport Commissioner
and Secretary,
Regional Transport Authority,
Chittoor.

... Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.20891 of 1998

ORDER:

This writ petition is filed in the year 1998 seeking a declaration that the proceedings of the respondent dated 13-07-1998 thereby rejecting the request of the petitioner to delete the standing passengers in the buses bearing Nos.A.P.03/T 675 and TCI 9939 is arbitrary and illegal.

This Court, while directing Rule Nisi, passed an interim order, dated 07-08-1998 directing the respondent to delete the standing passengers in the said vehicles. The said interim order was passed following the order passed by this Court in W.P.No.21344 of 1995 dated 03-11-1995 wherein it was held that Rule 335 of the A.P. Motor Vehicles Rules, 1989 has no application for a vehicle already registered on the date of coming into force of the said Rules. The same view was expressed earlier in W.P.No.19591 of 1994, dated 15-11-1994 holding that sub-rule (3) of Rule 334 has no application to a vehicle already registered on the date of coming into force of the said Rule w.e.f. 1-9-1989.

No counter affidavit has been filed by the respondent so far and the said interim order continued to be in force.

Having regard to the facts and circumstances of the case and in the absence of the counter affidavit by the respondent, I deem it appropriate to set aside the impugned order 13-7-1998 and the Writ Petition is disposed of with a direction to the

respondent to affect deletion of the provision for standing passengers as sought by the petitioner. No costs.

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G. ROHINI, J

Dt.29-03-2007
KLP